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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,612	04/05/2001	Gordon A. Forsyth	8963.00	4042

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/826,612

Applicant(s)

FORSYTH, GORDON A.

Examiner

Daniel S. Felten

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 & 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt of applicant's response to the election/restriction requirement is acknowledged. Therefore Group I, claims 1-8 and 19 have been elected for further prosecution on the merits.
2. Receipt of the Amendment filed October 10, 2006 is acknowledged.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-8 and 19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim(s) recite "wherein" clauses that suggests or makes optional, but does not require the steps to be performed or does not limit the claim to a particular structure, thus does not limit the scope of a claim or claim limitation.

Re claim 8: recites, "...wherein each merchant *may* offer one or more items for purchase..." is indefinite because it does not convey that the merchant is required to offer one or more items, but will *potentially* offer one or more items. Therefore there is a level of uncertainty as to whether this limitation is performed.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5, 6, 8 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al (US 6,282,522).

As per claim 1, a self-service terminal for connection to a network, the terminal comprising:

a) means for receiving payment from a user, including payment wherein the user selectively pays via cash, credit card, electronic card, or debit card (see Davis, column 6, lines 23-53; and column 7, lines 6-25); and

b) an electronic payment mechanism (stored-value application) for creating an electronic financial instrument for paying for an item purchased from a seller via the network, wherein the electronic financial instrument does not allow the seller to learn the identity of the user when the user pays either by cash, by credit, by electronic card, or by debit (see Davis, column 7, lines 36-48),

As per claim 2, a terminal further comprising a browser for enabling a user to browse sites on the network to select an item for purchasing from a merchant (see column 7, lines 6-25)

Art Unit: 3693

As per claim 3, a terminal wherein the means for receiving payment from a user includes a currency acceptance module (card reader) for allowing a user to pay using cash (see column 7, lines 7-10; and column 6, lines 23-53),

As per claim 4, wherein the electronic financial instrument is selected from: a credit card payment, a debit card payment, a charge card payment, a stored value card payment, and an electronic check, all based on an account maintained by the terminal (see fig. 4, column 10 lines 50-65).

As per claim 5, wherein the electronic financial instrument comprises a credit card (5 or 218 & 220) held by a terminal (214 & 216, or 210) (see fig. 4, column 10 lines 50-65).

As per claim 6, means for recording each electronic financial instrument created and transmitting a copy (see data-store) to a database for reconciling with transactions processed at that terminal (see column 10, lines 35-41);

As per claim 8, a method of purchasing one or more items for using a self-service terminal network, the method comprising;

a) providing a user with a browser for browsing through merchants connected to the network, wherein each merchant may offer one or more items for purchase (see column 7, lines 6-25);

b) receiving payment from a user from a user for a selected item to be purchased from a merchant (see column 6, lines 23-53; and column 7, lines 6-25);

c) creating an electronic payment which keeps the user anonymous the merchant for paying for the selected item, using an account assigned to the terminal (see column 7, lines 36-48)

Art Unit: 3693

As per claim 19, a method of processing a purchase of an item selected by a user of a self-service terminal network which has a browser for allowing the user to browser through a number of merchants connected to the network, the method comprising

Receiving payment from the user for the selected item to be purchased from one of the merchants (see column 6, lines 23-53; and column 7, lines 6-25);

Creating an electronic payment for paying for the selected item, wherein the electronic payment is independent of the payment from the user (see column 6, lines 23-53; and column 7, lines 6-25); and

Transmitting the electronic payment to the merchant (see column 6, lines 23-53; and column 7, lines 6-25).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al

Re claim 7: a printer is commonly used as a computer peripheral device to print items such as receipts to provide the customer with added security by receiving a physical confirmation of a transaction. Thus Official Notice is taken of a printer because a printer would be an obvious extension to the teaching of the confirmation transaction taught by Davis (see column 29, lines 16-23) to provide a physical “proof” or confirmation of a transaction. Thus such a modification would be an obvious expedient well within the ordinary skill in the art.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

Hughes (US 5,809,143) discloses method on a secure keyboard for transacting a secure purchase and payment transaction where the keyboard can print a receipt from a printer (see fig. 12).

Cohen (US 6,505,171) discloses system and method for handling purchasing transactions over a computer network.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3693

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

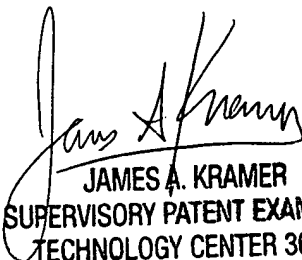
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DSF  
3/23/2007

Daniel S Felten  
Examiner  
Art Unit 3693



3/29/07  
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